



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,905	10/27/2000	Patrick D. McDonald	00,500	8219

32097 7590 10/22/2004

LESVICH HIGH-TECH LAW GROUP, P.C.  
SUITE 325  
39 S. LASALLE STREET  
CHICAGO, IL 60603

EXAMINER

AKERS, GEOFFREY R

ART UNIT PAPER NUMBER

3625

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/698,905

**Applicant(s)**

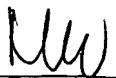
MCDONALD, PATRICK D.

**Examiner**

Geoffrey Akers

**Art Unit**

3625



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Request for Continued Examination(RCE)***

1. This action is issued in reply to applicant's request for Continued Examination(RCE) filed 9/9/04.
2. Claims 1,3-8,10-12,18,25 were amended. No claims were deleted. None were added.
3. Claims 1-26 as amended, are pending.

***Claim Rejections - 35 USC § 102***

4. Claims 1-7,10-11,25-26 are rejected under 35 USC 102(b) as being anticipated by "User's Guide, Borland Paradox for Windows" Borland International, Inc. v5.0 1994(Paradox). The rejection as cited in the Final Office Action dated 3/11/04 is maintained and referenced.

.....  
***Claim Rejections - 35 USC § 103***

5. Claims 8-9,12-24 are rejected under 35 USC 103(a) as being unpatentable over "User's Guide, Borland Paradox for Windows" Borland International Inc. v5.0 1994 (Paradox) in view of Official Notice. The rejections as cited in the Final Office Action dated 3/11/04 are maintained and referenced.

.....  
***Claim Rejections - 35 USC § 101***

6. Claims 2,13,20 are rejected under 35 USC 101 has failing to provide a concrete, useful and tangible output.
- .....

***Response to Arguments***

7. Applicant's arguments are not persuasive. Applicant has amended the rejected claims solely with the means of automation and distinct formats. Automating a known process is not a basis for novelty. Obtaining information and data electronically encompasses the feature of automatically performing the operation. In the words of the claims, a "plurality of formats" includes a "plurality of different formats" by its multiplicity. rejection.

***Conclusion***

8. **THIS ACTION IS MADE NON-FINAL.**

\*\*\*\*\*

Questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Thursday at 703-306-5844. If examiner cannot be reached, the superior, Mrs. Wynn Coggins, SPE, may be telephoned at (703)-308-1344.

October 19,2004



10/19/04

DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER